**Exhibit Q: Rule 16 Discovery** 

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## **U.S. Department of Justice**

United States Attorney Eastern District of New York

JMK/WMP F. #2013R00505 271 Cadman Plaza East Brooklyn, New York 11201

August 7, 2015

## **BY FEDEX AND ECF**

Andrew M. Lankler, Esq. Baker Botts LLP 30 Rockefeller Plaza New York, NY 10112-4498

Re: United States v. Gregg Mulholland, et al.

Criminal Docket No. 14-476 (S-1) (ILG)

Dear Mr. Lankler:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes discovery with respect to the above-referenced matter. The materials in this production are produced on nine discs and are Bates stamped/labeled EDNY-IPC-000000013 – EDNY-IPC-000026440. The government also requests reciprocal discovery.

### I. The Government's Discovery

#### A. Statements of the Defendant

The enclosed discs contain a copy of a report of the defendant Gregg R. Mulholland's post-arrest statements to FBI agents on June 23, 2015 (labeled EDNY-IPC-000026434).

## B. The Defendant's Criminal History

The enclosed discs contain a copy of the defendant Gregg R. Mulholland's criminal history report (Bates stamped EDNY-IPC-000026435 – EDNY-IPC-000026440).

### C. <u>Documents and Tangible Objects</u>

The enclosed discs also contain copies of the following materials:

### Disc One

- Video recordings of two meetings between the undercover agent and various coconspirators (Bates stamped EDNY-IPC-00000013);
- Recordings of telephone calls between the undercover agent and various co-conspirators (Bates stamped EDNY-IPC-000000014);
- Emails between the undercover agent and various co-conspirators (Bates stamped EDNY-IPC-000000015 EDNY-IPC-000000206);

### Disc Two

- Emails from GoDaddy obtained pursuant to a search warrant signed on February 3, 2014 (folder labeled EDNY-IPC-000000207);
- Emails from Microsoft Corporation (MSN-Hotmail) obtained pursuant to a search warrant signed on February 3, 2014 (folder labeled EDNY-IPC-000000208);
- Emails from Network Solutions LLC obtained pursuant to a search warrant signed on February 3, 2014 (folder labeled EDNY-IPC-000000209);
- Emails from Yahoo! Inc. obtained pursuant to a search warrant signed on February 3, 2014 (folder labeled EDNY-IPC-000000210);

### Disc Three

- Records from Cannabis-RX (CANA) regarding claims made in press releases, including information on properties acquired in 2013 and 2014, notes sold to investors, and the \$14 million line of credit (Bates stamped EDNY-IPC-000000211 – EDNY-IPC-000004426);
- Records from the transfer agent concerning Cannabis-RX (Bates stamped EDNY-IPC-000004427 EDNY-IPC-000005666);
- Records from GoDaddy (produced to the U.S. Securities and Exchange Commission ("SEC")) concerning account information (Bates stamped EDNY-IPC-000005667 – EDNY-IPC-00006656);
- Records from Network Solutions (produced to the SEC) concerning account information for applications@ipcoffshore.com (Bates stamped EDNY-IPC-000006657 – EDNY-IPC-000006660);

- Records from Research in Motion (RIM) (produced to the SEC) concerning account information for badewitt@yahoo.com and another account (files labeled EDNY-IPC-000006661 – EDNY-IPC-00006662);
- Records from Scottsdale Capital Advisors (produced to the SEC) concerning Legacy Global Markets (Bates stamped EDNY-IPC-00006663 EDNY-IPC-00006888);

### Disc Four

- Search warrants signed on August 26, 2013 for GoDaddy.com LLC and Network Solutions LLC (Bates stamped EDNY-IPC-000006889 EDNY-IPC-000006947);
- Search warrants signed on February 3, 2014 for GoDaddy.com LLC, Microsoft Corporation, Network Solutions LLC and Yahoo! Inc. (Bates stamped EDNY-IPC-000006948 – EDNY-IPC-000007038);
- Search warrants signed on August 6, 2014 for GoDaddy.com LLC and Network Solutions LLC (Bates stamped EDNY-IPC-000007039 EDNY-IPC-000007111);
- Emails from GoDaddy.com LLC obtained pursuant to a search warrant signed on August 6, 2014 (Bates stamped EDNY-IPC-000007112 EDNY-IPC-000007413 and labeled EDNY-IPC-000007414 EDNY-IPC-000007441);
- Emails from Network Solutions LLC (Web.com) obtained pursuant to a search warrant signed on August 6, 2014 (labeled EDNY-IPC-000007442 EDNY-IPC-000007444);
- Account information for applications@ipcoffshore.com (Bates stamped EDNY-IPC-000007445 EDNY-IPC-000007448);
- Subscriber profile and call detail records for (305) 393-7896 (labeled EDNY-IPC-000007449);
- Unsealing application and orders for email search warrant, 2703(d), pen register and wiretap orders, applications, and affidavits dated November 4, 2014 (Bates stamped EDNY-IPC-000012164 EDNY-IPC-000012170);

#### Disc Five

- Wiretap affidavit, applications, and orders signed on March 17, 2014 (Bates stamped EDNY-IPC-000007450 EDNY-IPC-000007554);
- Wiretap affidavit, application, and orders signed on April 23, 2014 (Bates stamped EDNY-IPC-000007555 EDNY-IPC-000007777);

- Wiretap sealing applications and sealing orders (Bates stamped EDNY-IPC-000012171 EDNY-IPC-000012193);
- Audio recordings obtained pursuant to wiretap orders dated March 17, 2014 and April 23, 2014 (folders labeled EDNY-IPC-000007778 EDNY-IPC-000007782);
- Linesheets for audio recordings obtained pursuant to wiretap orders dated March 17, 2014 and April 23, 2014 (Bates stamped EDNY-IPC-000007783 – EDNY-IPC-000012098);

#### Disc Six

- Bank of America account statements for Belize Bank International Ltd. account number 6550-8-26058 for January 2013 through June 2014 (Bates stamped EDNY-IPC-000012194 – EDNY-IPC-000013879);
- Bank of America account statements for Heritage International Bank and Trust Ltd. account number 1901-6-26059 for January 2013 through June 2014 (Bates stamped EDNY-IPC-000013880 EDNY-IPC-000015921);
- Draft transcripts of video recordings of two meetings between the undercover agent and the various co-conspirators (Bates stamped EDNY-IPC-000015922 EDNY-IPC-000016412);
- PayPal account information, activity logs, and transaction logs for account numbers 8017, 1756, 5345, 4215, 7575, 5947, and 7662 (Bates stamped EDNY-IPC-000016413 EDNY-IPC-000016448 and labeled EDNY-IPC-000016449 EDNY-IPC-000016464);

## Disc Seven

- Bank of America account files for Glenna F. Bergey (account nos. 5348 and 5351), IPC Management Services LLC (account no. 2520), and Robert Bandfield Trustee (account no. 1629) (Bates stamped EDNY-IPC-000016465 – EDNY-IPC-000017966);
- Bank of America wire transfer records for Altrix Capital, Belle Isle Investments, Cornerstone Corporate Services, Intraworld Securities, IPC Corporate Services Inc., Legacy Global Markets, Mariah International, Titan International Securities, Titan Marketing Corp., Unicorn International Securities and Vantage Securities (labeled EDNY-IPC-000017967 – EDNY-IPC-000017991);
- Bank of New York Mellon account information for Legacy Global Markets and Titan International Securities (labeled EDNY-IPC-000017992);

- Bank of New York Mellon wire activity for Legacy Global Markets, Titan International Securities, Unicorn International Securities and Vantage Securities (labeled EDNY-IPC-000017993);
- Federal Reserve records of the wire activity of IPC Corporate Services, Inc. (labeled EDNY-IPC-000017994);

### Disc Eight

- Bank of America wire transfer records for IPC Corporate Services, Inc. (labeled EDNY-IPC-000017995);
- Bank of America records for Belle Isle Investments (labeled EDNY-IPC-000017996 EDNY-IPC-000018001):
- Bank of New York Mellon records for Titan International Securities, Legacy Global Markets, Vantage Securities, and Caledonian Bank Limited (labeled EDNY-IPC-000018002 – EDNY-IPC-000020951);
- Federal Reserve wire transfer records for Titan International Securities, Legacy Global Markets, Tillerman Securities, and Sure Trader (labeled EDNY-IPC-000020952 – EDNY-IPC-000020953);
- Federal Reserve wire transfer records for Sterling Securities (labeled EDNY-IPC-000020954);
- FedEx shipping records for IPC Corporate Services, Inc. and Gibraltar Global Securities (Bates stamped/labeled EDNY-IPC-000020955 EDNY-IPC-000021818);

### Disc Nine

- GoDaddy account information for bob@ipc-offshore.com, glenna@ipc-offshore.com, and andrew@ipc-offshore.com (EDNY-IPC-000023064 EDNY-IPC-000023606);
- GoDaddy email headers for ten (10) @ipc-offshore.com email accounts produced pursuant to a 2703(d) Order dated September 17, 2013 (labeled EDNY-IPC-000023607);
- Google account information for baycapitalag@gmail.com (EDNY-IPC-000023608 EDNY-IPC-000023629);
- Saxo Bank account records for Unicorn International Securities account no. 179638 and Titan International Securities account no. 176862INET (EDNY-IPC-000023630 EDNY-IPC-000025839);

- Beaufort Securities Limited records for Unicorn International Securities (EDNY-IPC-000025840 EDNY-IPC-000025954);
- Vonage account information and records for (503) 305-3897 and (305) 671-3493 (labeled EDNY-IPC-000025955 EDNY-IPC-000025956);
- Web.com email headers for eleven (11) @ipcoffshore.com email accounts obtained pursuant to a 2703(d) Order dated September 17, 2013 (labeled EDNY-IPC-000025957 EDNY-IPC-000025967);
- Yahoo account information for opulence10@yahoo.com (EDNY-IPC-000025968 EDNY-IPC-000025979);
- Yahoo account information for opulence 10@ yahoo.com obtained pursuant to a 2703(d) Order dated September 17, 2013 (EDNY-IPC-000025980 EDNY-IPC-000025985);
- Spreadsheet of data collected pursuant to pen register orders dated April 9, 2013, June 6, 2013, August 2, 2013, October 11, 2013, November 26, 2013, December 11, 2013, January 24, 2014, February 6, 2014, March 27, 2014, and April 8, 2014 (labeled EDNY-IPC-000025986);
- Pen register applications, orders of authorization, and orders to service providers dated April 9, 2013, June 6, 2013, August 2, 2013, October 11, 2013, November 26, 2013 December 11, 2013, January 24, 2014, February 6, 2014, March 27, 2014, and April 8, 2014 (EDNY-IPC-000025987 EDNY-IPC-000026196);
- 2703(d) applications and orders for GoDaddy.com, LLC, Network Solutions, LLC, and Yahoo! Inc. dated September 17, 2013 (EDNY-IPC-000026197 – EDNY-IPC-000026249);
- Commerzbank records for Unicorn International Securities, IPC Corporate Services Inc., Titan International Securities, Titan Marketing Corp, Legacy Global Markets, Vantage Securities, Altrix Capital, Belle Isle Investments, Mariah International, and Intraworld Securities (EDNY-IPC-000026250 – EDNY-IPC-000026259);
- MSN account information and records for ipc-offshore@hotmail.com (EDNY-IPC-000026260 EDNY-IPC-000026288);
- Documents received by the undercover agent during the November 6, 2013 and March 4, 2014 Belize meetings and from Titan International Securities (EDNY-IPC-000026289 – EDNY-IPC-000026322);

- Search warrant signed on May 15, 2015 for two laptops and a flash drive seized at the time of the defendant Robert Bandfield's arrest (EDNY-IPC-000026364 EDNY-IPC-000026411);
- Phone.com account information for (888) 400-5461 (EDNY-IPC-000026412 EDNY-IPC-000026421); and
- Skype records for usernames wentang.shen, goaxis, and renee.fitzgerald (EDNY-IPC-000026422 EDNY-IPC-000026433).

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

## D. <u>Reports of Examinations and Tests</u>

The government will provide you with copies of reports of any examinations or tests conducted in connection with this case, as they become available.

### E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

## F. Brady Material

The government is not aware of any exculpatory material regarding any of the defendants. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by <u>Brady v. Maryland</u>, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

### G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

### II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that each defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that each defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that each defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of each defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

Pursuant to Federal Rule of Criminal Procedure 12.1(a), the government hereby demands written notice, to be served within ten days of this demand, if the defendant intends to offer a defense of alibi. The written notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offenses, and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. The offenses took place at the locations, dates, and times specified in the Indictment.

Pursuant to Federal Rule of Criminal Procedure 12.2(a), the government hereby demands written notice, to be served within ten days of this demand, of the defendant's intention, if any, to claim a defense of insanity, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely upon in establishing the defense identified in any such notice. Pursuant to Federal Rule of Criminal Procedure 12.2(b), the government hereby demands written notice, to be served within ten days of this demand, of the defendant's intention, if any, to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant's bearing on the issue of guilt, and demands the names and addresses of the

expert witnesses upon whom the defendant intends to rely in offering any such evidence identified in any such notice.

### III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact us.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a "formal offer" or a "plea offer," as those terms are used in <u>Lafler v. Cooper</u>, 132 S. Ct. 1376 (2012), and <u>Missouri v. Frye</u>, 132 S. Ct. 1399 (2012).

Very truly yours,

KELLY T. CURRIE Acting United States Attorney Eastern District of New York

By: /s/

Jacquelyn M. Kasulis Winston M. Paes Michael T. Keilty Assistant U.S. Attorneys (718) 254-6103/6023/7528

**Enclosure** 

Cc: Clerk of Court (ILG) (by ECF) (w/o enclosures)

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**U.S. Department of Justice** 

United States Attorney Eastern District of New York

JMK/WMP F. #2013R00505

271 Cadman Plaza East Brooklyn, New York 11201

August 10, 2015

# **By Hand**

Andrew Lankler, Esq. Baker Botts LLP 30 Rockefeller Plaza New York, NY 10112-4498

Re: United States v. Gregg Mulholland, et al. Criminal Docket No. 14-476 (S-1) (ILG)

Dear Mr. Lankler:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes discovery with respect to the above-referenced matter. The materials in this production are produced on one disc and are Bates stamped/labeled EDNY-LGM-000000001 – EDNY-LGM-000018663 and EDNY-TT-000000001 – EDNY-TT-0000000015320. This production consists of documents provided to the government by a cooperating witness ("CW-1"). This disclosure supplements the government's earlier disclosure under cover of letter dated August 7, 2015. The government again requests reciprocal discovery.

If you have any questions or requests regarding further discovery, please do not hesitate to contact us.

Very truly yours,

KELLY T. CURRIE Acting United States Attorney Eastern District of New York

By: /s/

Jacquelyn M. Kasulis Winston M. Paes Assistant U.S. Attorneys (718) 254-6103 (Kasulis) (718) 254-6023 (Paes) Andrew Lankler, Esq. August 10, 2015 Page 2

Enclosures

Cc: Clerk of Court (ILG) (by ECF) (w/o enclosures)

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# **U.S. Department of Justice**

United States Attorney Eastern District of New York

TF/NEM F.# 2015R00173 271 Cadman Plaza East Brooklyn, New York 11201

August 20, 2015

### By FEDEX and ECF

Andrew M. Lankler, Esq. Baker Botts LLP 30 Rockefeller Plaza New York, NY 10112-4498

Re: United States v. Gregg Mulholland, et al. Criminal Docket No. 14-476 (S-1) (ILG)

Dear Mr. Lankler:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby provides discovery in the above-captioned matter. The materials in this production are contained on one compact disc and are Bates-numbered TT-PRIV-0000000000001 through EDNY-TT-PRIV-0000000000889. Please also consider this letter to be the government's request for reciprocal discovery.

This letter discloses documents provided to the government by a cooperating witness ("CW-1"), and supplements the government's earlier disclosure under cover of letter dated August 10, 2015 of documents from the same witness.

Because the government anticipated that materials provided by CW-1 may contain attorney-client privileged information, the government instituted firewall procedures in reviewing them. A firewall team of the undersigned Assistant United States Attorneys (the "firewall team") reviewed the documents provided by CW-1 and divided them into non-privileged and privileged categories. The non-privileged materials were provided to the prosecutors and agents involved in the investigation and prosecution of this matter (the "prosecution team"), including Assistant United States Attorneys Jacquelyn M. Kasulis, Winston M. Paes, and Michael T. Keilty, for their review. The prosecution team disclosed those materials to you on August 10, 2015. (Please note that a portion of one email contained herein, EDNY-TT-PRIV-0000000000702-703, was previously disclosed on August 10, 2015.) The prosecution team did not review the materials that had been withheld by the firewall team as privileged (the "firewall materials"), nor have they been made aware of the contents of those materials. The government here provides to you client; these are

communications between officers of Legacy Global Markets S.A. and an attorney. Should you have any questions about any of the firewall materials, please contact the undersigned.

Very truly yours,

KELLY T. CURRIE Acting United States Attorney

By: /s/

Tali Farhadian Nadia E. Moore Assistant U.S. Attorneys

(718) 254-6290/6362

cc: Clerk of the Court (ILG) (by ECF)
Eugene E. Ingoglia, Esq. (Counsel for Robert Bandfield) (by ECF)

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# **U.S. Department of Justice**

United States Attorney Eastern District of New York

TF/NEM F.# 2015R00173

271 Cadman Plaza East Brooklyn, New York 11201

August 21, 2015

## By Email and ECF

Andrew M. Lankler, Esq. Baker Botts LLP 30 Rockefeller Plaza New York, NY 10112-4498

Re: United States v. Gregg Mulholland, et al. Criminal Docket No. 14-476 (S-1) (ILG)

Dear Mr. Lankler:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby provides discovery in the above-captioned matter. The materials in this production are contained on one compact disc and are Bates-numbered EDNY-TT-PRIV-0000000000890 through EDNY-TT-PRIV-0000000000896. Please also consider this letter to be the government's request for reciprocal discovery.

This letter discloses documents provided to the government by a cooperating witness ("CW-1"), and supplements the government's earlier disclosure under cover of letter dated August 10, 2015 and August 20, 2015 of documents from the same witness.

The government here provides to you with additional firewall materials which the government has determined can be disclosed to your client; these are communications between officers of Legacy Global Markets S.A. and an attorney. Should you have any questions about any of the firewall materials, please contact the undersigned.

Very truly yours,

KELLY T. CURRIE Acting United States Attorney

By: /s/

Tali Farhadian Nadia E. Moore Assistant U.S. Attorneys (718) 254-6290/6362

cc: Clerk of the Court (ILG) (by ECF)
Eugene E. Ingoglia, Esq. (Counsel for Robert Bandfield) (by ECF)

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# **U.S. Department of Justice**

United States Attorney Eastern District of New York

JMK/WMP/MTK F. #2013R00505

271 Cadman Plaza East Brooklyn, New York 11201

September 10, 2015

# **BY FEDEX**

James Kousouros, Esq. The Law Offices of James Kousouros 260 Madison Ave, 22nd Floor New York, New York 10016-2404

Re: United States v. Gregg Mulholland

Criminal Docket No. 14-476 (S-1) (ILG)

Dear Mr. Kousouros:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes discovery with respect to the above-referenced matter. The materials in this production are produced on one disc and are labeled EDNY-IPC-000026434 – EDNY-IPC-000026437. This disclosure supplements the government's earlier disclosures under cover of letters dated August 7, 2015 and August 10, 2015. The government again requests reciprocal discovery.

The enclosed disc contains copies of the following materials:

- Recordings of telephone calls between the undercover agent and the defendant and/or his accomplices (labeled EDNY-IPC-000026434 EDNY-IPC-000026436). The majority of these recordings consist of calls in which the undercover agent was unsuccessful in reaching the defendant and/or his accomplices, but was able to leave voicemails and/or messages with IPC personnel or other defendant entities. The government provides these calls to complete the record of recordings made by the undercover agent in this matter.
- Emails between the undercover agent and the defendant and/or his accomplices (labeled EDNY-IPC-000026437). The content of these emails is substantially duplicative to those disclosed by the government under cover of letter dated August 7, 2015. As counsel is aware, the emails initially provided by the government appear as forwarded messages to a Gmail account. The government now provides the majority of these emails as they would have originally appeared in the account of the undercover agent.

James Kousouros, Esq. September 10, 2015 Page 2

If you have any questions or requests regarding further discovery, please do not hesitate to contact us.

Very truly yours,

KELLY T. CURRIE Acting United States Attorney Eastern District of New York

By: /s/

Jacquelyn M. Kasulis Winston M. Paes Michael T. Keilty Assistant U.S. Attorneys (718) 254-6103 (Kasulis) (718) 254-6023 (Paes) (718) 254-7528 (Keilty)

Enclosure

Cc: Clerk of Court (ILG) (by ECF) (w/o enclosures)